

The ‘inmate code’ in flux: A normative system and extralegal governance in a Ukrainian prison

Abstract

Building on a semi-ethnographic study in a Ukrainian prison, the first research of its kind in the region, I discuss the normative and governance system of a post-Communist prisoner world. I offer empirical support for Skarbek’s theory of prison social order by demonstrating how prisoner extralegal governance evolves along with the changing structures in and outside the prison to sustain a predictable and tolerable environment within a dehumanising and intrinsically volatile context. Nevertheless, prisoner self-governance, although generally fairly administered, is itself brutal and institutionalises inequality. As the history of prison ‘societies’ in the US and UK demonstrates, far-reaching penal policy changes can radically transform the inner prison world. Such changes, widely referred to in Ukraine as the ‘humanisation of the penitentiary system’ and ‘Europeanisation’, have corroded the power and legitimacy of the traditional model of social control. Even so, the inability to resolve many inter-prisoner disputes through official channels and the state’s signal failure to meet the demand for protection and arbitration proved the utility of the private justice embedded in the inmate code and the

institution of the illicit adjudicators, thus surpassing their legitimacy deficit and retaining the essence of the Soviet underworld.

Keywords

Extralegal governance, inmate code, prison, Ukraine, underworld, private justice, prisoners, prison culture

Anton Symkovych

University of Johannesburg, South Africa

Corresponding author:

Anton Symkovych, Sociology Department, C-627B, University of Johannesburg,
Auckland Park, Johannesburg, 2006, South Africa.

Email: asymkovych@uj.ac.za

Most prisons function using a conglomerate of formal rules and informal traditions, sensibilities, and fiats. This informal normative system, popularly known as the inmate or convict code, governs inter-prisoner co-habitation and prisoner relationships with staff.

Whilst embedded in local material and ideological realities, some version of a prisoner culture and self-governance seems to exist in most prisons (Akers et al., 1977; Moczydłowski, 1992; Skarbek, 2014). Despite the wealth of accounts of daily life in the prisons and concentration camps of the Soviet Gulag (e.g., Solzhenitsyn, 1974; Shumuk, 1984; Applebaum, 2003),¹ the inner world of post-Soviet prisons has met with more modest academic attention, particularly in the English language. Important exceptions are Piacentini, Pallot, and Slade's case studies of Russian and Georgian penal institutions, and Oleinik's review of prisons in Russia, Kazakhstan, Ukraine, France, and Canada (Oleinik, 2003, 2006; Pallot and Piacentini, 2012; Piacentini, 2004; Piacentini and Katz, 2017; Piacentini and Slade, 2015; Slade, 2016). Building on a semi-ethnographic study, the first in the region, I discuss the normative system and extralegal governance of a post-Soviet prisoner sociality in Ukraine.² I find empirical support for Skarbek's (2014) theory of prison social order by demonstrating how prisoner normative system evolves along with the changing needs and profile of prisoners to sustain a predictable and relatively tolerable environment in a dehumanising and inherently volatile place.

I begin by explaining the salience of extralegal governance as a source of social control in prison. I describe the Ukrainian prison system, my methodology, and the research site: a medium-security prison for sentenced men. Next, I present my findings of

an elaborate system of prisoner self-governance and informal law. Finally, I discuss its response to structural transformations within and without the prison. I argue that whilst prisoners cannot escape this tight informal social control, their changing demographics directly affects the legitimacy of extralegal governance.

In inmate code we trust?

Without governance prisons descend into a Hobbesian state of nature. Legal governance by formal authorities faces serious obstacles – from a resource paucity (Gambetta, 1993) to a legitimacy deficit (Sparks et al., 1996). Thus, a prominent feature of prisons around the globe is their generation of informal normative systems that govern inter-prisoner relations and frame prisoner-staff communication. This extralegal governance mitigates prison-engendered deprivations, notably the ever-present physical insecurity (Kaminski, 2004; Morris and Morris, 1963; Sykes, 1958; Sykes and Messinger, 1960). In his theory of prison social order, Skarbek (2014) argues that the underworld institutes extralegal governance to ensure sustainability and continuity of its various informal organisations, such as mafia, street gang, or a prison collective, by regulating illicit trade, regimenting violence, and fostering predictability – if not peace.

In line with Giddens's (1984) structuration theory, the system of informal norms and extralegal governance dialectically adapts to the ever-changing needs and characteristics of the people it serves (Skarbek, 2014). Prisoners' pre-incarceration identities and biographies, whether gang involvement or gender or racial persecution, social exclusion or drug abuse, alter the existing in-prison structures. This includes the informal law of the inmate code, which, like any law, 'cannot be sequestered from human participation' (Tamanaha, 2004: 123). Scholars have documented the impact of changes in penal policies and practices on internal prison dynamics, prisoner profiles, and prison cultures. For example, mass incarceration, prison securitisation, racial tensions, and gang rivalry in the wider US society have radically changed the 'traditional' 'prison communities' described in early prison ethnographies (e.g., Hunt et al., 1993; Jacobs, 1974; Simon, 2000; Skarbek, 2014; cf. Clemmer, 1940; Sykes, 1958).³ In the UK, Crewe (2009) illustrates how neo-liberal 'responsibilisation' policies, along with a surfeit of illicit drugs, have individualised British prisoners and transformed the ideology and norms of the inmate code (cf. King and Elliott, 1977; Morris and Morris, 1963).

Despite these and other structural transformations, prisoner extralegal governance seems to endure, even if a community responsibility system of gang rule supplants the Sykesian reputation-based prisoner self-governance (Skarbek, 2014). The protective

function of extralegal governance, i.e. provision of some security (Gambetta, 1993), can explain this endurance. People *in situ* and social commentators alike readily recognise the need to create a liveable environment in harsh and often volatile world of prisons (inter alia, Crewe, 2009; Kaminski, 2004; Ricciardelli, 2014; Skarbek, 2014; Winfree et al., 2002). This stabilising property of extralegal governance explains why, despite its purported opposition to officialdom, administrations tolerate it – if not rely on it – although the surge of belligerent gangs in some prisons has eroded staff’s tacit accommodation (see Birkbeck, 2011; Cloward, 1960; Darke and Garces, 2017; Irwin and Cressey, 1962; Moczydłowski, 1992; Narag and Jones, 2017; Sparks et al., 1996; Sykes, 1958; Symkovych, 2017c; Trammell, 2009).

Whereas early prison scholars emphasised the anti-social nature of the inmate code, commentators now agree that many prisoner norms correspond with those in wider society. However, their interpretation or enactment may take hyperbolic, even grotesque, forms. In men’s prisons (hereafter prisons), the inmate code encapsulates a patriarchal masculine ideal and stratification (Newton, 1994). The most common features across individual prisons and international jurisdictions include the prohibition of too close association with prison staff and informing or any other gross infringement of fellow prisoners’ welfare. Prison socialities expect men to maintain a degree of personal hygiene and emotional

composure in a physically, socially, and emotionally compressed environment (Crewe, 2009; Kaminski, 2004; Moczydłowski, 1992; Ricciardelli, 2014; Sykes, 1958).⁴ The code commonly stratifies men according to a masculine hierarchy, relegating to the bottom those whom prisoner socialities consider not ‘manly’: gay men, prisoners who have committed sex crimes against children or men who fail to cope stoically with the harshness of imprisonment and brutality of other prisoners (Booyens and Bezuidenhout, 2014; Crewe, 2009; Einat and Einat, 2000; Kaminski, 2004; Morris and Morris, 1963; Ricciardelli, 2014; Sparks et al., 1996; Sykes and Messinger, 1960; Winfree et al., 2002).

Despite their omnipresence, the power of prisoner organisations and prisoners’ normative commitment to them vary enormously. In some institutions, prisoners co-opt into the privileged underworld, its norms and argot (Kaminski, 2004), but elsewhere membership is inescapable and prisoners strive to attain and maintain status within it (Symkovich, 2017c). Although the inmate code furnishes prisoners with an ideal, the extent of their normative commitment and behavioural adherence ranges from opportunistic interpretation and frivolous observance, to lip service, to wholesale internalisation, rigid enactment, and identity construction and performance round it (Crewe, 2009; Kaminski, 2004; Symkovich, 2017b; Trammell, 2009; Winfree et al., 2002).

In sum, prisoner systems of extralegal governance maintain a degree of order and ‘ontological security’ (Giddens, 1984) in settings that ‘seethe and boil with human agency, passion, and conflict’ (Sparks et al., 1996: 68). Local peculiarities notwithstanding, prisoner extralegal normative systems share similarities across borders. They enshrine patriarchal hierarchies, censure subordinate masculinities, and promote traditional masculine ideals and expectations. Concurrently, prisoner socialities and their models of extralegal governance are always in flux, responding to structural changes within prison walls – but outside them too. Ukrainian prisons offer an ideal location to test these arguments, given the extensive socio-legal, organisational, and ideological transformations accompanying the demise of Soviet communism, at a time when equally momentous changes have altered the focus and access of prison sociologists elsewhere (Simon, 2000).

Ukrainian prison system

Like Ukrainian society, the Ukrainian criminal justice system has undergone major transformations since Ukraine’s restoration of independence in 1991. Ukraine has ratified most international human rights instruments (including prohibition of the death penalty and torture) and liberalised prison regimes. The prison population has decreased threefold over the last 15 years, with the prison rate standing at 167 prisoners per 100,000 population,

compared to neighbouring Poland's 193, Russia's 424 and Ukraine's own 2000 figure of 443 (Institute for Criminal Policy Research, 2017).

Nevertheless, the actual implementation of 'Europeanisation' rhetoric and human rights policies has been patchy and troublesome. The Ukrainian Penitentiary Service (UkrPS), whilst part of the Ministry of Justice, continues as a militarised organisation and has retained the ethos and ranks of law enforcement. Various national and international monitoring bodies, such as the UN Sub-committee against Torture (CAT), regularly inspect Ukrainian prisons, and prisoners have rights to lodge grievances and law suits; even so, allegations of ill-treatment and torture are not unusual (CAT, 2014; European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment [CPT], 2017).

Ukrainians report the highest level of corruption in Europe (Transparency International, 2017) so it follows that most Ukrainian prisoners have underprivileged backgrounds. More than half the country's 60,000 prisoners are convicted of property crimes; 10,300 of murder, 4,700 of grave bodily assault, and 1,400 of rape (UkrPS, 2016). The majority were not in employment or education at the time of arrest; half had served prior custodial sentences (Prison Portal of Donetsk Memorial, 2010). Ukraine has been unwilling, possibly unable, to invest in the refurbishment of its vast and dilapidated prison

complexes and their overworked staff; general understaffing comprises 14%. The monitoring bodies urge the Ukrainian government to increase the prisoner/staff ratio, tackle localised overcrowding, and properly investigate and prosecute cases of torture, suspicious deaths in custody, and maltreatment (CAT, 2014; CPT, 2017).

The case study

The data come from a five-month case study in a medium-security prison for sentenced men in the Kyiv region. During the fieldwork in this ‘model’ prison I lodged with officers from across Ukraine who temporarily studied and lived in the nearby UkrPS Training Academy. My housing situation allowed me to discuss my emerging findings with officers from other Ukrainian prisons with different security levels, housing different ages and gender, and with different degrees of prisoner underworld power, i.e., ‘red’ and ‘black’ zones.

The prison’s population of 800 resembled that in other similar category Ukrainian prisons. Two thirds were between 20 and 40 years old and the majority were recidivists, imprisoned mostly for property crimes, although about 100 were convicted drug offenders and 50 were murderers. There were several prisoners convicted of rape and a few of other crimes. Like other Ukrainian prisons, this one was severely understaffed, with 20-30

officers (about 10-15 at night), all men, on duty inside the secure compound. Prisoners comprised squads of 50; each squad had its own dormitory and worked in the same workshop, thus ensuring tight mutual surveillance (see Pallot and Piacentini, 2012 and Piacentini and Slade, 2015 on enhanced panopticism, carceral collectivism, and polyopticon).

The semi-ethnographic fieldwork comprised observations and conversations with prisoners and officers, including senior managers, during almost daily visits. Initially, I had to accompany an officer in the secure compound, but when anxiety about my presence subsided and I managed to establish my credibility and a measure of trust, I spent considerable time ‘hanging around’ unsupervised. I spent days (sometimes nights) just chatting or drinking coffee with prisoners and officers in all parts of the prison, as well as observing and listening to prison life whilst waiting for an available officer with keys (sometimes for hours) to let me into another sector or to walk me out of the secure compound.

I tried to speak to everyone whilst avoiding spending too much time with any particular prisoner (or prisoner caste) or officer (or staff rank) and resisted being drawn into prison power relations (Liebling, 2014; Sparks et al., 1996). Prisoners and officers alike found my constant and ubiquitous presence and unabated interest amusing, not least

because outsiders (chiefly, volunteers and inspectors) rarely spend more than a day within the secure compound, far less mingling and casually conversing with prisoners and officers about their lives and routines. I believe my handling of various informal tests (see Moczydłowski, 1992) and my resolution of ethical dilemmas, together with my authenticity and obvious independence from Ukrainian authorities (who refused my entry for two years), helped me to overcome the initial wariness and be accepted. Eventually, I spoke with all the officers and with about a third of the prisoners.

To supplement data collected through observation and informal conversations, I selected 21 members of staff and 20 prisoners for long, semi-structured interviews. With this sample, I aimed to capture and represent the diversity of ages, prison experiences, statuses and reputations in both the informal prisoner and formal staff hierarchies. In addition, I interviewed at length five officers (three men and two women) in the Training Academy. I spoke with hundreds of officers from dozens of Ukrainian prisons during my five months, often spending entire evenings discussing the situation and officers' experiences in their respective institutions.

A content analysis of observation and post-conversation notes and interview recordings supplied myriad themes, but here, I discuss only those related to the prisoner extralegal normative and governance system. Whilst a case-study design precludes

generalization, the triangulation and theme saturation achieved suggest the general contours of the informal governance apply, institutional peculiarities notwithstanding, to other men's prisons in Ukraine.

Power and flexibility of the Ukrainian inmate code

Inter-prisoner relations in this, and arguably all Ukrainian prisons, were embedded in the unofficial statuses of prisoners and the traditional normative system, known in post-Soviet countries as *ponyátiya* in Russian (Oleinik, 2003) or *ponyáttya* in Ukrainian (see Kaminski, 2004; Antillano, 2017; Weegels, 2017 on *grypsing*, *la rutina*, and *la ley* in Polish, Venezuelan, and Nicaraguan prisons respectively). This system of statuses, traditions, precepts, and strict rules applied to all prisoners as well as to persistent ('professional') offenders on the outside (a so-called *blatnýy* or *vorovskýy mir*, 'thieves' world'). In accord with the extant literature, these informal norms maintained a measure of order and curbed conflicts whilst cementing inequality institutionalised in the status stratification.

As in other prison systems, the Ukrainian underworld I observed constituted a hierarchy with 'unmanly' men at the bottom (*opúshcheni*, outcasts) and those vehemently professing their allegiance to the inmate code and opposition to the authorities at the top

(*blatni*, criminal elite) (Kaminski, 2004; Moczydłowski, 1992; Oleinik, 2003; Trammell, 2009). The majority fell into the middle category of *muzhyki* (lads), prudently balancing the formal authorities and the demands of the inmate code and masculine expectations (Crewe, 2009; Morris and Morris, 1963). Approximately a tenth of the prisoners openly assisted the administration in running the prison (*kozły*, collaborators). As I discuss elsewhere (Symkovich, 2017c), prisoners could not opt out of the underworld power structure, although it was their decision which caste to join – subject to meeting the requirements and approval from the gatekeepers (the outcasts constituted a punishment caste rather than an aspirational group). As in other prisoner ‘societies’, a serious failure to meet the masculine and status expectations or a grave violation of the informal law resulted in a status downgrade (Kaminski, 2004; Moczydłowski, 1992; Sykes, 1958). Minor rule violations usually entailed punishment through beating (Symkovich, 2017b).

Utility and legitimacy of extralegal governance

Although prisoner allegiance to the inmate code varied markedly, most recognised that without extralegal governance and its normative system, chaos and violence would consume the prison, making life dangerous and unpredictable. In line with the extant literature, these prisoners, like staff, desired predictable, acceptable, and durable order

(Morris and Morris, 1963; Skarbek, 2014; Sparks et al., 1996; Symkovych, 2017a; Trammell, 2009). Although the inmate code entrenched and legitimised discrimination through status stratification, it also brought a measure of peace to a place where conflicts were inevitable and the population did not hold official laws in high regard:

I wouldn't say I live in accordance with the *ponyáttya*. Rather, I follow some principle of co-existence. We're all humans and there are some rules, not exactly rules, but models of appropriate behaviour. If we don't follow them, we would degrade to the state of animals, and it would spark a hell lot of conflicts. (Prisoner)

Even though official rhetoric presented the prisoner self-governance system ('criminal traditions' in UkrPS parlance) as an obstacle to prisoner 're-socialisation' and 'correction' and a threat to internal order, the inmate code and private justice proved central to the generation of prison order (see Nunes Dias and Salla, 2013; Skarbek, 2014; Trammell, 2009). Furthermore, the norms of the prisoner community generally corresponded to the values of wider Ukrainian society (see Clemmer, 1940). Accepted principles included, *inter alia*: a requirement to justify personal words and deeds, a prohibition of informing on, or stealing from, fellow prisoners, respect for mothers (but not women in general), and

an adherence to informal rules and hierarchy (see Crewe, 2009; Kaminski, 2003; Moczydłowski, 1992; Oleinik, 2003; Sykes and Messinger, 1960). A traditional prison attitude of ‘mind your own business’ (Sykes, 1958) exemplified a respect for individuality – something that the official prison structure, including ‘degradation ceremonies’ (Garfinkel, 1956), undermined (see Sparks et al., 1996). The inmate code, as in other jurisdictions, was intended to sustain peace, group cohesiveness, and guard its boundaries by maintaining the symbolic ‘us and them’ line between prisoners and authorities.

The power and legitimacy of the inmate code derived from its perceived reasonableness and universal and fair enforcement thus reducing the ‘unpleasant state of uncertainty’ (Tamanaha, 2004). Tamanaha (2004) argues, persuasively, that the rule of law comprises, *inter alia*, generality (universality together with constraints on the rulers) and predictability (that accommodates flexibility), whereas the law’s content, application, and consequences withstand moral scrutiny whilst serving the public good. This contrasted with the unfairness, arbitrariness, and unreasonableness of many official prison rules and formal laws in Ukraine in general (Symkovych, 2017a). Although official prison rules and practices were intended to provide the framework for maintaining order and ‘re-socialising’ prisoners, their content and application often undermined prisoners’ agency and dignity, causing the prisoners to question their legitimacy and defy or resist them:

Why must cons have a name tag (*bírka*)? [...] Why must we do morning exercises? For health reasons? In this case, I bet not a single [prison officer – *mládshy inspéctor*] does it. [...] Why must I stand up and greet a [prison officer] when he deems me a piece of shit and I don't have any grounds to respect him? – Have you ever seen a [prison officer] raising or greeting a prisoner? [Laughs cynically]

(Prisoner)

The prisoners I talked to perceived many prison rules as irrelevant or unnecessarily oppressive. The juristic concepts of the spirit of law and the moral principles within the law prove helpful in elucidating the power and legitimacy of the Ukrainian inmate code (see Meyerson, 2007). The spirit of the Prison Bylaws (2014) is maintenance of order and security whilst prisoners almost unanimously argued that the cornerstone principle of the *ponyáttya*, i.e. the set of informal principles, rules and mores, was to protect everyone's well-being, order followed as a by-product (see Irwin and Cressey, 1962 and Skarbek, 2014 on utilitarianism of the 'convict subculture' and gang rule respectively). Moreover, the prisoners regarded these *ponyáttya* as principles rather than rigid rules – unlike the Prison Bylaws – although some informal precepts, as well as the prisoner structure in

general, were nothing if not rigid (see Skarbek, 2014). In any case, in the prisoners' view, the formalistic application of rules, i.e. the primacy of the letter of the law over the purpose and spirit of the law, gave way to a contextualised interpretation of principles (see Kaminski, 2004).

Furthermore, the *smotryáshchi*, i.e. illicit guards from the ranks of the criminal elite, who were responsible for interpreting and enforcing the informal principles and rules and dispensing extralegal justice, possessed a 'democratic pedigree' (Sunstein, 1997: 530), unlike formal administrators (see Symkovych, 2017c on informal prisoner organisation and argot roles in Ukraine). In other words, the prisoners deemed their informal adjudicators to be representative and accountable, although this was not always the case (see Narag and Jones, 2017; Skarbek, 2014). Unlike official bureaucrats, the informal prison adjudicator was not above the (informal) law and could lose his 'office' upon compromising his credibility (see Tamanaha, 2004 on the 'rule of law, not man' and the judge as 'the law personified'). The prisoner universe outlawed and severely punished arbitrariness (*bespredyél*) and its version of unfairness: discriminating against the lower castes was 'fair', as their place in the hierarchy reflected their 'choice' and 'free will' in failing to meet the expected masculine standard (Symkovych, 2017b, 2017c; see Kaminski, 2004

and Moczydłowski, 1992 on the self-division of Polish prisoners into ‘people’ and ‘suckers’).

The literature demonstrates that inter-prisoner violence frequently erupts from unresolved conflicts, annoyance, and accumulated frustration, sometimes triggered by seemingly trivial disputes or mundane irritants, like loud music or queue-jumping (Crewe, 2009; Sparks et al., 1996). Indeed, I witnessed a crisis in a medium-security London prison when an ounce of prisoner tobacco went missing; resolution required the intervention of the prison governor and Independent Monitoring Board. Unlike other jurisdictions, the Ukrainian inmate code outlawed theft from fellow prisoners, as well as inter-prisoner violence unless sanctioned by informal adjudicators (cf. Crewe, 2009; Einat and Einat, 2000; Kaminski, 2004). Thus, prisoners had to take all but minute disputes to the criminal elite and accept the verdict (see Nunes Dias and Salla, 2013; Skarbek, 2014; Trammell, 2009). Most acquiesced, as the application of informal rules appeared contextually ‘just’ and enjoyed procedural legitimacy (cf. Kaminski, 2004 on experienced *grypsmen* abusing their prison acumen and ‘spinning an affair’ for personal gain). Being unrestricted by control and security priorities and the demands of official law, informal prisoner adjudicators could get comprehensive and honest testimonies from the parties and witnesses involved (see Gambetta, 1993 on the underworld’s often advantageous access to

information and networks compared to the state institutions). Whereas Ricciardelli (2014) reports grotesque prisoner indifference and ignoring inter-prisoner violence and abuse in Ontario federal prisons, the Ukrainian inmate code required prisoners to report immediately to illicit adjudicators any infringement of informal rules.

The prison's inmate code promoted solidarity and engagement, although its translation into practice was sometimes problematic (Crewe, 2009; Mathiesen, 1965). Being an elaborate normative framework with a kaleidoscope of expectations and ideals, rather than merely a set of fiats, only its most unequivocal precepts, such as prohibition of theft from fellow prisoners or arbitrary violence, were beyond negotiation and discretionary interpretation (see Kaminski, 2004; cf. Einat and Einat, 2000; Skarbek, 2014; Sparks et al., 1996). Other dictates rarely entailed strict enforcement (see Tamanaha, 2004 on the rule of law accommodating a balance between, on the one hand, universality and predictability and, on the other hand, discretionary exception, especially in informal communitarian settings). For example, while the inmate code prohibited informing, supplying information to the administration was not uncommon. First, the caste of collaborators *de facto* possessed a licence to inform the authorities of serious transgressions, such as devising contraband schemes, engaging in illicit gambling or contemplating suicide because of prohibitive debt. Second, whilst discouraging prisoners

from close association with officers, especially with the security department, prisoner sociality accommodated the need to visit administrative offices. Although prisoners viewed such visits with suspicion and whenever possible tried to liaise with the formal authorities through prisoner-trustees (collaborators), the prisoner community appreciated that such visits had to occur, so parole would succeed (see Symkovych, 2017c).

Similarly, whilst prisoners had little option but to acquiesce, their normative commitment varied signally (see Trammell, 2009 on prisoner acceptance versus approval of racial segregation in California prisons). For example, some inmates argued ardently that prisoners should not remain disengaged and individualistic like ‘passengers on a train’; they should care for the welfare of other prisoners and facilitate the rule of informal law, including relating transgressions to the criminal elite. Conversely, whilst the prisoners who staunchly adhered to the ideology and precepts of the inmate code denounced transgressors because of their moral convictions, others did so out of fear. Failure to report amounted to complicity and led to a beating and possible demotion in the hierarchy. As I discuss elsewhere, the incessant mutual monitoring and self-censorship, amplified by the living and working arrangements of carceral collectivism, took an unregistered toll on prisoners. None the less, it minimised the impunity that undermines formal law in wider Ukrainian society (Symkovych, 2017a) and strengthened the rule of informal law:

You know, [on the outside] I used to steal for four years before I was caught. I always got away with it. However, here, I stole once and I was black and blue. They [prisoners] beat shit out of me. I know here if I steal I'll be punished for sure, and punished severely. (Prisoner-outcast)

All prisoners and officers with whom I spoke concurred that it was almost impossible to conceal something in the prison for very long (Kaminski, 2004). Everyone seemed quite clear that infractions of prisoner community conventions, if identified, would entail harsh punishment (see Gambetta, 1993 and Skarbek, 2014 on the fundamental role of reputation and 'credible threat' in the underworld's extralegal governance). In wider society, general corruption and the omnipotent arbitrariness and impunity of the state apparatus undermines formal law, making it a coercive tool against the disempowered (see Symkovych, 2017a). However, in this prison, any deviation from expected conduct was penalised regardless of the status of the offender:

You are accountable (*otvecháyeshy*) for your every word, every step. If you say something, you must prove it. – You cannot just come and hit somebody, even an

outcast, only because you don't like their face. Any conflict you've got, you bring it to an illicit guard. If he finds that another con acted in violation of *ponyátiya* [informal rules], only then would that prisoner be punished. (Prisoner-collaborator)

The requirement to substantiate any statement and justify violence removed some of the typical tensions and altercations that incite social conflict in prisons (see Moczydłowski, 1992 and Kaminski, 2004 on 'cursing duels', 'blasphemy', and spreading rumours, or Crewe, 2009 on 'calibrated confrontations'). In Ukraine, this extralegal self-governance, institutionalised through the prisoner hierarchy and inmate code, as with other jurisdictions, curtailed excessive violence and reduced the volatility and unpredictability of prison life (Moczydłowski, 1992; Nunes Dias and Salla, 2017; Oleinik, 2003; Skarbek, 2014; Sykes, 1958; Trammell, 2009). The effectiveness of extralegal governance stemmed from the perceived legitimacy of informal norms and the certainty of enforcement, including through violence. The state may have had a monopoly on the legal use of force, but here, prisoner sociality institutionalised violence, if sanctioned by the criminal elite, to enforce its principles and rules (see Antillano, 2017; Nunes Dias and Salla, 2017; Skarbek, 2014; cf. Weber, 1962; Austin, 1995). The extralegal governance model described, like any other governance system, entailed a high price. It discriminated against and

dehumanised some people ('outcasts') and normalising regimented violence. Nonetheless, supporting Gambetta (1993) and Skarbek (2014), my research participants explained this institutionalised moral blindness by maintaining that the service of the informal governance system outweighed its costs because it restrained opportunistic and uncontrolled predatory behaviour for the benefit of the majority.

The ever-changing code

Whilst its regulatory and protective functions ensured the continuing dominance of prisoner extralegal governance, this prisoner power fixture has been evolving concurrently with liberalised penal policies, structural changes in wider society and new geo-political realities (see Symkovych, 2017c). Whereas the underworld cultures in Poland, Russia, and Ukraine developed similarly due to those countries' past political integration, my research participants claimed that since the disintegration of the Communist bloc, the Soviet 'thieves' world' had been growing apart and the emerging norms now differ in Ukraine. For example, a surge of drug use among prisoners led the prison underworld to introduce a new norm prohibiting the involvement of prisoners' mothers in drug contraband to avoid endangering these loyal women. The prisoners claimed that such prohibition existed only

in Ukraine, although only further research can ascertain whether this is the case, and how universal and practical this new rule is even in Ukraine.

The liberalised penal policies, including the availability of parole and increased accountability of staff, have transformed Ukrainian prison cultures with an observable effect on daily practices. First, the prisoner normative system now values prudential ‘doing time’ with minimal suffering and discomfort over virulent opposition to the administration or dramatic martyrdom for the ‘criminal ideal’ of non-alignment and resistance (Symkovych, 2017b). Unlike in the 1990s, parole is now real: over the last decade, 15-30,000 prisoners *per annum* have been leaving on parole before the expiration of their custodial sentences. However, to get early release, prisoners must engage with and show a measure of deference to the administration (see Crewe, 2009). Thus, the prisoner sociality now *de facto* accommodates a degree of collaboration, even some judicious informing, despite professing non-alliance and opposition to the formal authorities. I noted fairly amicable staff-prisoner relationships in this prison and was given to understand this was a more recent situation – but not unique to the research prison. (Naturally, I did not observe earlier officer-prisoner relations first-hand and had to rely on my research participants to explain some of the post-Soviet changes and practices in this and other Ukrainian prisons.) Whereas staff-prisoner relationships and power negotiations in any prison often work to

defy the official opposition, in this particular prison, the improved material conditions, liberalised regimes, and increased accountability that curbed officer cruelty seemed to have reduced previous animosity. Staff brutality or power inequality have not disappeared, but all my research participants said today's Ukrainian prisons are much less antagonistic and vindictive than they were in the 1990s, with an even more striking departure from prisons under Communist authoritarianism (see Winfree et al., 2002 on deprivations and negative attitudes towards staff).

Second, the liberalised sentencing has resulted in many old-school criminal elite members 'retiring' from the elite to simply work their way through their sentences, thus leaving young and inexperienced prisoners with relatively short sentences and dubious moral standing filling the void (see Symkovych, 2017c). Together with the liberalised sentencing and parole regime, an influx of drugs has corroded the legitimacy of the criminal elite and, by extension, the system of prisoner self-governance (see Tamanaha, 2004 on the indivisibility of law and human agents). Many prisoners, as well as staff, expressed their dissatisfaction with the new contingent of criminal elite:

You never trust a con. But before at least there was such a thing as 'a con's word' (*zékivsyke slóvo*). – Now they say whatever they want but you cannot trust it. They

are not masters of their word, as they all are drug-users and alcoholics. Or, homeless. (Prison school director)

Those prisoners, even in the lowest informal stratum, who witnessed first-hand the ‘moral degradation’ of the criminal elite in action, when their conduct was at odds with the criminal precepts they promoted (see Tamanaha, 2004), were quite critical of the whole concept of the informal moral and legal norms and questioned the legitimacy of extralegal governance. The following vignette highlights the role of human agency in endurance of structures (Giddens, 1984):

I do not follow the *ponyáttya* (informal norms). And those who do – are fools. They do not realise that these are not the same *ponyáttya* as those in the past, [i.e.] the *ponyáttya* in the name of which people suffered. I used to work as a cleaner down in the ‘pit’ [segregation block]. In the *DPK* [a close supervision centre] bread and *sálo* [traditional Ukrainian lard] were getting mouldy. It’s a great sin to let bread get mouldy! They [criminal-elite] are so insolent. They are fussy and demand [from other prisoners] the best food, better cigarettes. – And they don’t give a fuck that

muzhyki (lads) out there sometimes give the last pack [of cigarettes]. That's how criminal-elite suffer in the name of the criminal idea! (Prisoner-outcast)

Although the metamorphoses of the prisoner normative and governance system are both fundamental and minute, UkrPS administrators are not always aware of its dynamic nature. For example, before I started my fieldwork, the Deputy Head of the UkrPS instructed me to take off an ear stud I was wearing so prisoners would not presume I was gay. She also warned me not to wear anything red, as this colour was taboo in the 'thieves' world' for historically it symbolised communism and the unfair, repressive, and inhumane state (see Moczydłowski, 1992 and Kaminski, 2004 on *grypsmen* and communism). I followed her advice, but eventually prisoners noticed my pierced ear. The ensuing discussions revealed that piercing no longer denoted homosexuality, nor did the colour red mean allegiance to officialdom. We all had a good laugh, and the prisoners told me that this advice would have been helpful about 20 years ago and perhaps in some institutions for young offenders (YOIs). Reminiscing about their time in YOIs, my research participants told me that in those prisons, extralegal governance entails the more fundamentalist, cruel interpretation and enforcement of the inmate code than in prisons for adults (see Kaminski, 2004; cf. Winfree et al., 2002 on hard-core recidivists attitudes and

Irwin and Cressey, 1962 on less pronounced convict cultures in juvenile institutions).

Additionally, being dynamic within individual prisons, the inmate code has variations and nuances across the Ukrainian penal landscape, although extralegal governance retains its general parameters.

Despite the changing profile of the criminal elite and the attendant discontent, the prisoners could not imagine life without a traditional hierarchy and institutionalised extralegal governance. Regardless of his views, even the prisoner-outcast cited above could not afford non-compliance with the informal rules, as every prisoner had a place in the hierarchy and had to obey the informal law or face severe punishment (Kaminski, 2004; cf. Clemmer, 1940 on ‘ungrouped’ prisoners). As many inter-prisoner disputes arise from illicit activities and *sub-rosa* economy, such as gambling, these Ukrainian prisoners could not believe that English prisoners do not have the identical position of illicit guard:

Are you joking? So if two prisoners have an argument of some sort, they will go to *otryádnik* (a personal officer) or whatever a member of staff is called over there?

That’s fucked up! Really, they don’t have illicit guards or *vóry* (‘thieves’)?!

(Prisoner-lad)

Thus, even though prisoners decried some of the changes in the prisoner normative system and the undermined legitimacy of the criminal elite, they, overall, vouched for the functional pertinence of the inmate code, underworld hierarchy, and private justice. Indeed, the inherent legitimacy deficit notwithstanding (Sparks et al., 1996), the formal authorities lacked the resources, crucially staff, to offer adequate protection and arbitration to offset the utility of extralegal governance (Gambetta, 1993). Nothing suggests that the Ukrainian state entertains any plans of radical alteration of its role in prison governance, despite the radically decreased prisoner population and official rhetoric (see CPT, 2017). As Skarbek (2014) argues, extralegal governance sustains, despite its metamorphoses, as long as a need remains for extralegal protection and regulation. In response to cultural, organisational, and political transformations in wider society and the new realities in Ukrainian prisons, these prisoners have adopted new norms and relaxed or abandoned some of the old traditions (see Kaminski, 2004 on the decline of prisoner tattooing in Poland). For example, once a prisoner with a family or with military service experience could not become a member of the criminal elite.⁵ However, but now the ‘thieves’ world’ overlooks this prohibition to fill the void resulting from new penal policies and the changing demographics of prisoners. Nonetheless, whilst undergoing important transformations, the informal prisoner

organisation with its normative and governance system remain crucial in maximising the relatively peaceful co-existence of these Ukrainian prisoners.

Conclusion

Drawing on the first of this type research into the Ukrainian prison world, in this article I have examined the evolution of the informal normative system that regulates inter-prisoner relations and staff-prisoner communication. My findings lend support to Skarbek's (2014) theory of prison social order by highlighting the connection between the prisoner system of informal law and extralegal governance and structures outside the prison and illustrating its role in ameliorating prison-engendered insecurities. The findings confirm the importance of the inmate code and prisoner private justice in curtailing excess violence and maximising predictable order and acceptable co-habitation, supporting research in other jurisdictions. This should not obfuscate that prisoner extralegal governance, although generally fairly administered, is itself brutal and institutionalises inequality, by establishing a rigid hierarchy.

The Ukrainian inmate code and its underworld hierarchy manifest many similarities with those of the West and beyond, but has some local peculiarities. For example, whilst in some jurisdictions, prisoners have to ignore the individual abuse of fellow prisoners, the

Ukrainian normative imperative required prisoners to report any transgression of the informal rules and principles to illicit adjudicators. The spirit of the code expected prisoners' engagement with the prisoner world and the welfare of others despite any personal disagreement with it. Even so, these normative expectations were not universally internalised, nor did they automatically translate into practice. Prisoner normative commitment to and actual enactment of the ideology and rules of the 'inmate code' varied substantially. Nevertheless, the code's perceived legitimacy and a 'credible threat' of punishment (Skarbek, 2014) due to the tight mutual control of the polyopticon (Piacentini and Slade, 2015), facilitated the rule of informal law and endurance of this model of extralegal governance.

Changes in Ukrainian penal policies and prison practices, widely referred to as the 'humanisation of the penitentiary system' and 'Europeanisation', have corroded the traditional power and legitimacy of this model of social control, in this prison and likely elsewhere. Structural transformations have altered the profile of the criminal elite and decreased antagonism between officers and prisoners, thereby affecting the utility of prisoner solidarity and highlighting the value of shrewd opposition to the administration. Nevertheless, ongoing corruption and unfairness in the Ukrainian criminal justice system lends legitimacy to the prisoner hierarchy and informal law. The prisoners in my study,

palpable discontent notwithstanding, overall perceived it as fair, reasonable, and practical. Furthermore, despite their condemnatory rhetoric, the prison administration benefited from these informal structures, as without them order would prove untenable. The inability of resolving many inter-prisoner disputes through official channels because of their illicit nature and the state's failure to allocate adequate resources, primarily staff, made private justice and extralegal governance functional. This finding coincides strongly with the theoretical model of Gambetta (1993) and Skarbek (2014): extralegal governance endures, its metamorphoses notwithstanding, as long as the state fails to satisfy adequately the people's (and their markets') need for protection, regulation, and arbitration.

As the history of prison 'societies' in the US and UK demonstrates, far-reaching changes in penal policies can radically transform the inner prison world. Whilst Ukraine is not immune to global neo-liberal trends, until now it has not demonstrated much interest in either radical sentencing or penal reform. Instead, arguably because of its financial abyss, Ukraine has steadily reduced its prison population (along with prison staff) rather than importing the 'law-and-order' and mass incarceration policies and practices of some Western countries, notably the US and UK. Thus, despite its numerous transformations, the Ukrainian inmate code and prisoner power system retain the essence of the Soviet underworld's features and continue to provide extralegal governance whilst the state

signally fails to meet prisoners' need for protection and arbitration. Even so, as cultures are inherently dynamic, the prisoner normative and governance system is destined to continue its evolution. Its further development is difficult to envisage, for Ukrainian politics (and economy) are nothing if not volatile and unpredictable.

This case study was limited to a single, 'model', 'red zone' prison thereby precluding *bona fide* generalisations. Despite the inherent limitations of a case study approach, my extended and extraordinary access to officers from across Ukraine and the accounts prisoners gave of their experience in other Ukrainian prisons suggest that the prisoner organisation I observed and its inmate code exist in all men's prisons in Ukraine. However, the evidence points to its different interpretations and enactments across institutions and prisoners whilst retaining the essence and contours of this national model. Future research might examine social control in other Ukrainian penal institutions with various security categories, housing different populations (men, women, and minors – sentenced and on remand), and engendering different power arrangements ('red' and 'black' zones). Investigating how human participation (including legitimisation) affects the content and operation (reproduction) of the extralegal governance system will produce important insights for structuration theory and for the sociology of imprisonment in general.

Acknowledgements

I owe a great debt of thanks to my research participants for their acceptance, patience, and willingness to share their experiences and thoughts. My gratitude also goes to anonymous reviewers for their very helpful comments and suggestions.

I presented the earlier version of this article at the annual meeting of the Law and Society Association, Mexico City in June 2017.

Notes

1. Cressey and Krassowski (1957) offer a bibliography in English, mostly Gulag memoirs.
2. Prisoner extralegal governance operates through the informal law of the inmate code and illicit prisoner stratification. In this article I focus on the normative component of prisoner self-rule, but in Symkovych (2017c) I examine the role of prisoner informal self-organisation.
3. Sykes (1958) documents how his ‘society of captives’ differed markedly from the 1930s and 1940s when prisoners ‘ran their own affairs’ before the authorities revamped the power arrangements.

4. Informal rules and conventions tend to be minute when regulating co-habitation in compressed settings: e.g. see Kaminski (2004) on 'dirty physiology' norms. However, official prison rules are also known for their 'pettiness' (Sykes, 1958).
5. Service in the military signified 'collaboration' with the state. Akin to the logic of the Catholic Church regarding the priests' celibacy, the underworld maintained that a family would 'undermine' the criminal elite's loyalty, devotion, and attention to the prisoner world.

References

- Akers RL, Hayner NS and Gruninger W (1977) Prisonization in five countries: Type of prison and inmate characteristics. *Criminology* 14: 527–554.
- Antillano A (2017) When prisoners make the prison. Self-rule in Venezuelan prisons. *Prison Service Journal* 229: 26–30.
- Applebaum A (2003) *GULAG: A History of the Soviet Camps*. London: Allen Lane.
- Austin J (1995) *The Province of Jurisprudence Determined*. Cambridge: Cambridge University Press.
- Birkbeck C (2011) Imprisonment and internment: Comparing penal institutions North and South. *Punishment and Society* 13(3): 307–332.

- Booyens K and Bezuidenhout C (2014) An exploratory study of sex and rape behind bars in a South African prison. *International Criminal Justice Review* 24(4): 377–391.
- Clemmer D (1940) *The Prison Community*. London: Holt, Rinehart and Winston.
- Cloward RA (1960) Social control in the prison. In: Cloward RA, Cressey DR, Grosser GH, et al. (eds), *Theoretical Studies in Social Organization of the Prison*, New York: Social Science Research Council, pp. 20–48.
- Committee Against Torture (2014) *Concluding observations on the sixth periodic report of Ukraine, 12.12.2014*. Available at:
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/UKR/CO/6&Lang=En (accessed 1 November 2017).
- Cressey DR and Krassowski W (1958) Inmate organization and anomie in American prisons and Soviet labor camps. *Social Problems* 5(3): 217–230.
- Crewe B (2009) *The Prisoner Society*. Oxford: Oxford University Press.
- Darke S and Garces C (2017) Surviving in the new mass carceral zone. *Prison Service Journal* 229: 2–9.
- Einat T and Einat H (2000) Inmate argot as an expression of prison subculture: The Israeli case. *The Prison Journal* 80(3): 309–325.
- European Committee for the Prevention of Torture and Inhuman or Degrading Treatment

or Punishment (2017) *Response of the Ukrainian Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Ukraine from 21 to 30 November 2016*.

Available at: <https://rm.coe.int/pdf/1680734be7> (accessed 1 November 2017).

Gambetta D (1993) *The Sicilian Mafia: The Business of Private Protection*. London: Harvard University Press.

Garfinkel H (1956) Degradation ceremonies. *American Journal of Sociology* 61(5): 420–424.

Giddens A (1984) *The Constitution of Society*. Cambridge: Cambridge University Press.

Hunt G, Riegel S, Morales T, et al. (1993) Changes in prison culture: Prison gangs and the case of the ‘Pepsi generation’. *Social Problems* 40(3): 398–409.

Institute for Criminal Policy Research (2017) World Prison Brief. Available at: <http://www.prisonstudies.org/world-prison-brief> (accessed 1 November 2017).

Irwin J and Cressey DR (1962) Thieves, convicts, and the inmate subculture. *Social Problems* 10(2): 142–155.

Jacobs JB (1974) Street gangs behind bars. *Social Problems* 21(3): 395–409.

Kaminski MM (2004) *Games Prisoners Play: The Tragicomic world of Polish Prison*. Princeton: Princeton University Press.

- King RD and Elliott KW (1977) *Albany: Birth of a Prison – End of an Era*. London: Routledge & Kegan Paul.
- Liebling A (2014) Postscript: Integrity and emotion in prisons research. *Qualitative Inquiry* 20(4): 481–486.
- Mathiesen T (1965) *The Defences of the Weak: A Sociological Study of a Norwegian Correctional Institution*. London: Tavistock Publications.
- Meyerson D (2007) *Essential Jurisprudence*. London: Routledge-Cavendish.
- Moczydłowski P (1992) *The Hidden Life of Polish Prisons*. Bloomington: Indiana University Press.
- Morris T and Morris P (1963) *Pentonville: A Sociological Study of an English Prison*. London: Routledge & Kegan Paul.
- Narag RE and Jones CR (2017) Understanding prison management in the Philippines: A case for shared governance. *The Prison Journal* 97(1): 3–26.
- Newton C (1994) Gender theory and prison sociology: using theories of masculinities to interpret the sociology of prisons for men. *The Howard Journal of Criminal Justice* 33(3): 193–202.
- Nunes Dias C and Salla F (2013) Organized crime in Brazilian prisons: The example of the PCC. *International Journal of Criminology and Sociology* 2: 397–408.

- Nunes Dias C and Salla F (2017) Formal and informal controls and punishments: The production of order in the prisons of São Paulo. *Prison Service Journal* 229: 19–22.
- Oleinik AN (2003) *Organized Crime, Prison and Post-Soviet Societies*. Aldershot, England: Ashgate Publishing Limited.
- Oleinik AN (2006) A plurality of total institutions: Towards a comparative penology. *Crime, Law and Social Change* 46(3): 161–180.
- Pallot J and Piacentini L (2012) *Gender, Geography, and Punishment: The Experience of Women in Carceral Russia*. Oxford: Oxford University Press.
- Piacentini L (2004) *Surviving Russian Prisons: Punishment, Economy and Politics in Transition*. Cullompton, England: Willan Publishing.
- Piacentini L and Katz E (2017) Carceral framing of human rights in Russian prisons. *Punishment and Society* 19(2): 221–239.
- Piacentini L and Slade G (2015) Architecture and attachment: Carceral collectivism and the problem of prison reform in Russia and Georgia. *Theoretical Criminology* 19(2): 179–197.
- Prison Bylaws (2014) Approved by the inistry of Justice of Ukraine, Order 2186/5. Available at: <http://zakon3.rada.gov.ua/laws/show/z1656-14> (accessed 1 November 2017).

- Prison Portal of Donetsk Memorial (2010) Composition of sentenced persons held in establishments of execution of punishments as of 18.012010. Available at: <http://www.ukrprison.org.ua/index.php?id=1271482439> (accessed 1 November 2017).
- Ricciardelli R (2014) An examination of the inmate code in Canadian penitentiaries. *Journal of Crime and Justice* 37(2): 234–255.
- Shumuk D (1984) *Life Sentence: Memoirs of a Ukrainian Political Prisoner*. Edmonton: Canadian Library in Ukrainian Studies.
- Simon J (2000) The ‘society of captives’ in the era of hyper-incarceration. *Theoretical Criminology* 4(3): 285–308.
- Skarbek D (2014) *The Social Order of the Underworld*. Oxford: Oxford University Press.
- Slade G (2016) Violence as information during prison reform: Evidence from the post-Soviet region. *British Journal of Criminology* 56(5): 937–955.
- Solzhenitsyn AI (1974) *The Gulag Archipelago, 1918- 1956. Translated from the Russian by Thomas P. Whitney*. New York: Harper & Row Publishers.
- Sparks R, Bottoms AE and Hay W (1996) *Prisons and the Problem of Order*. Oxford: Clarendon Press.
- Sunstein CR (1997) Book review: Justice Scalia’s democratic formalism. *The Yale Law Journal* 107(2): 529–567.

- Sykes GM (1958) *The Society of Captives: A Study of a Maximum Security Prison*. Princeton: Princeton University Press.
- Sykes GM and Messinger SL (1960) The inmate social system. In: Cloward RA (ed.), *Theoretical Studies in Social Organization of the Prison*, New York: Social Science Research Council, pp. 5–19.
- Symkovych A (2017a) Compromised power and negotiated order in a Ukrainian prison. *British Journal of Criminology*. Available at: <https://doi.org/10.1093/bjc/azx012> (accessed 1 November 2017).
- Symkovych A (2017b) Do men in prison have nothing to lose but their manhood? Masculinities of prisoners and officers in a Ukrainian correctional colony. *Men and Masculinities*. Available at: <https://doi.org/10.1177/1097184X17696172> (accessed 1 November 2017).
- Symkovych A (2017c) The Ukrainian response to Sykes: Prisoner hierarchy and self-rule – power, legitimacy, and dynamics. *British Journal of Criminology*. Available at: <https://doi.org/10.1093/bjc/azx076> (accessed 1 November 2017).
- Tamanaha BZ (2004) *On the Rule of Law: History, Politics, Theory*. Cambridge: Cambridge University Press.
- Trammell R (2009) Values, rules and keeping the peace: How men describe order and the

inmate code in California prisons. *Deviant Behavior* 30(8): 746–771.

Transparency International (2017) Corruption Perception Index 2016. Available at:

http://www.transparency.org/news/feature/corruption_perceptions_index_2016

(accessed 1 November 2017).

Ukrainian Penitentiary Service (2016) General features of the State Criminal-Executive

Service of Ukraine. Available at:

<http://www.kvs.gov.ua/peniten/control/main/uk/publish/article/628075> (accessed 1

November 2017).

Weber M (1962) *Basic Concepts in Sociology*. London: Peter Owen Limited.

Weegels J (2017) Prisoner self-governance and survival in a Nicaraguan City Police Jail.

Prison Service Journal 229: 15–18.

Winfree LTJ, Newbold G and Tubb SHI (2002) Prisoner perspectives on inmate culture in

New Mexico and New Zealand: A descriptive case study. *The Prison Journal* 82(2):

213–233.